

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on January 15, 1999
at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing Date: 1/15/99 HB 24, HB 135, HB 203, HB 209,
Date Posted: 1/7/99

Executive Action: HB135, Do Pass
HB180, Do Pass As Amended
HB 116, Do Pass As Amended

Chairman Robert Clark opened the meeting.
{Tape : 1; Side : A; Approx. Time Counter : 0 - 24}

HEARING ON HB 24

Sponsor:

Rep. Soft presented HB 24.
{Tape : 1; Side : A; Approx. Time Counter : 24 - 128}

Proponents:

Joe Mazurek, Montana State Attorney General
{Tape : 1; Side : A; Approx. Time Counter : 128 - 172}

Jim Nelson, Justice and Commissioner, NCCUSL
{Tape : 1; Side : A; Approx. Time Counter : 172 - 240}

EXHIBIT (juh11a0

2)

(handed in out of order)

Sharon Hoff, Montana Catholic Conference
{Tape : 1; Side : A; Approx. Time Counter : 240 - 256}

Miriam Luse, Family Law Attorney
{Tape : 1; Side : A; Approx. Time Counter : 256 - 319}

Opponents

None

Informational Testimony:

Greg Petesch, Code Commissioner
{Tape : 1; Side : A; Approx. Time Counter : 319 - 362}

EXHIBIT (juh11a0

1)

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 362 - 550}
{Tape : 1; Side : B; Approx. Time Counter : 0 - 129}

Closing by Sponsor:

Rep. Soft made closing statements.
{Tape : 1; Side : B; Approx. Time Counter : 129 - 188}

HEARING ON HB 135

Sponsor:

Rep. Stovall presented HB 135.

{Tape : 1; Side B; Approx. Time Counter : 188 - 258}

EXHIBIT(ju

h11a03)

Proponents:

Rep. Bookout-Reinicke, self

{Tape : 1; Side : B; Approx. Time Counter : 258 - 284}

Joe Mazurek, Montana Attorney General

{Tape : 1; Side : B; Approx. Time Counter : 284 - 356}

Craig Reap, Montana Highway Patrol

{Tape : 1; Side : B; Approx. Time Counter : 356 - 462}

EXHIBIT(ju

h11a04)

John McEwen, Montana Dept. of Administration

{Tape : 1; Side : B; Approx. Time Counter : 462 - 550}

{Tape : 2; Side : A; Approx. Time Counter : 0 - 42}

EXHIBIT(juh11a05)

Mike Teese, Montana Dept of Justice

{Tape : 2; Side : A; Approx. Time Counter : 42 - 81}

EXHIBIT(juh11a06)

Mike Freelick, Montana Highway Patrol

{Tape : 2; Side : A; Approx. Time Counter : 81 - 148}

EXHIBIT(juh11a07)

Tom Harrison, Montana Highway Patrol Association

{Tape : 2; Side : A; Approx. Time Counter : 148 - 199}

Bill Fleiner, Montana Sheriffs and Peace Officers Association

{Tape : 2; Side : A; Approx. Time Counter : 228}

Tim Shanks, Montana Police Protection Association

{Tape : 2; Side : A; Approx. Time Counter : 228 - 250}

Silkitwa Ferrel Rivera, Montana Highway Patrol

{Tape : 2; Side : A; Approx. Time Counter : 250 - 303}

Tom Schneider, Montana Public Employee Association

{Tape : 2; Side : A; Approx. Time Counter : 303 - 323}

Robert Clark, Montana Highway Patrol, retired

{Tape : 2; Side : A; Approx. Time Counter : 323 - 440}

Chairman Robert Clark, had given the chair up for his testimony and now resumed the chair.

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 440 - 550}

{Tape : 2; Side : B; Approx. Time Counter : 0 - 268}

Closing by Sponsor:

Rep. Stovall made closing statements

{Tape : 2; Side : B; Approx. Time Counter : 268 - 288}

EXECUTIVE ACTION ON HB 135

Motion/Vote: Rep. Kitzenberg moved that HB 135 be **PASSED**.

Motion carried 19-1 with Jore voting no.

{Tape : 2; Side : B; Approx. Time Counter : 288 - 313}

HEARING ON HB 203

Sponsor:

Rep. Shockley presented HB 203.

{Tape : 2; Side : B; Approx. Time Counter : 313 - 458}

Proponents:

None

Opponents:

None

Informational Testimony:

Elizabeth Horsman, Montana County Attorney's Association

{Tape : 2; Side : B; Approx. Time Counter : 458}

{Tape : 3; Side : A; Approx. Time Counter : 0 - 21}

Questions from Committee Members and Responses:

{Tape : 3; Side : A; Approx. Time Counter : 21 - 272}

Closing by Sponsor:

Rep. Shockley made closing statements.

{Tape : 3; Side : A; Approx. Time Counter : 272 - 296}

HEARING ON HB 209

Sponsor:

Rep. Shockley presented HB 209.

{Tape : 3; Side : A; Approx. Time Counter : 296 - 386}

Proponents:

Al Smith, Montana Trial Lawyers Association

{Tape : 3; Side : A; Approx. Time Counter : 386 - 420}

Opponents:

Elizabeth Horsman, Montana County Attorneys Association

{Tape : 3; Side : A; Approx. Time Counter : 420 - 550}

{Tape : 3; Side : B; Approx. Time Counter : 0 - 43}

Chairman Clark deemed Ms. Horsman's testimony as an Opponent not informational as she originally testified.

Informational Testimony:

Kim Christopher, Lake County Attorney

{Tape : 3; Side : B; Approx. Time Counter : 43 - 76}

Questions from Committee Members and Responses:

{Tape : 3; Side : B; Approx. Time Counter : 76 - 302}

Closing by Sponsor:

Rep. Shockley made closing statements.

{Tape : 3; Side : B; Approx. Time Counter : 302 - 329}

EXECUTIVE ACTION ON HB 116

Motion/Vote: Rep. McGee moved that HB 116 be **PASSED** as amended. Motion carried 18-2 with Jore and Molnar voting no.

Motion/Vote: Rep. Soft moved that HB 180 be **PASSED** as amended. Motion carried 15-5 with Clark, Curtiss, Jore, McGee, and Molnar voting no.

{Tape : 3; Side : B; Approx. Time Counter : 329 - 550}

{Tape : 4; Side : A; Approx. Time Counter : 0 - 550}

{Tape : 4; Side : B; Approx. Time Counter : 0 - 550}

{Tape : 5; Side : A; Approx. Time Counter : 0 - 53}

HB 77 was discussed and postponed to a later date.

HB 115 was discussed and postponed to a later date.

Chairman Robert Clark called to adjourn meeting.

ADJOURNMENT

Adjournment: 1:00 P.M.

REP. ROBERT C. CLARK, Chairman

PAM SCHINDLER, Secretary

RC/PS

EXHIBIT (juh11aad)